

1                               IN THE UNITED STATES DISTRICT COURT  
2                               FOR THE NORTHERN DISTRICT OF CALIFORNIA

3  
4           UNITED STATES OF AMERICA,

5                               Plaintiff,

6                               v.

7           EDWARD A. BRINSKELE, REBECCA  
8           B. BRINSKELE, WESTAMERICA  
9           BANK, and JPMORGAN CHASE BANK,  
10          successor in interest to CHASE  
11          MANHATTAN BANK USA, N.A., and  
12          WASHINGTON MUTUAL BANK,

13                              Defendants.

Case No. 17-cv-01410-CW

ORDER FOR SERVICE AND  
REQUIRING PARTIES TO MEET AND  
CONFER

(Dkt. No. 40)

14           On February 23, 2018, Defendants Edward A. Brinskele and  
15           Rebecca B. Brinskele notified the Court that Rebecca B. Brinskele  
16           had filed a voluntary Chapter 11 bankruptcy petition on February  
17           23, 2018 at 7:45 a.m., which was assigned case number 18-30194 in  
18           the United States Bankruptcy Court for the Northern District of  
19           California.

20           No other Defendant has notified the Court of the filing of a  
21           bankruptcy petition. The bank Defendants were named pursuant to  
22           26 U.S.C. § 7403(b) as parties that may claim an interest in the  
23           proceeding. Defendant Westamerica Bank filed a disclaimer of any  
24           interest on October 2, 2017. Defendant JPMorgan Chase Bank has  
25           never appeared in this action. Individual Defendant Edward A.  
26           Brinskele, however, has appeared and remains a party.

27           Accordingly, the Court orders as follows:

28           1.    This case is stayed with regard to Defendant Rebecca B.  
                Brinskele pursuant to 11 U.S.C. § 362.

1           2.     Within seven days after this order, Plaintiff shall  
2 either (a) file proof of service on Defendant JPMorgan Chase Bank  
3 pursuant to Federal Rule of Civil Procedure 4(1), or (b) file a  
4 declaration that JPMorgan Chase Bank waived service.

5           3.     All parties except Rebecca B. Brinskele must meet and  
6 confer as to whether this entire action should be stayed or  
7 whether Plaintiff's claims against Edward A. Brinskele should  
8 proceed. Within fourteen days after this order, the remaining  
9 parties must file either a stipulation to stay this action  
10 pending the bankruptcy stay or a joint statement setting forth  
11 each party's position with respect to staying this action.

12           IT IS SO ORDERED.

13  
14 Dated: February 23, 2018



CLAUDIA WILKEN  
United States District Judge